IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 617 OF 2005

Shri Sanjay Kalappa Bansode .. Applicant.

V/s.

The State of Maharashtra ..Respondent.

Shri Rajaram V. Bansode for the Applicant.
Shri D.R.More, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 08,2005.

PC :-

. Heard learned counsel for the parties. Perused the record.

. I see no reason to depart from the conclusion reached by the Sessions Judge, Gr. Mumbai in rejecting bail application preferred by the present applicant. Assuming that the statement of the deceased as recorded by the investigating officer was to be excluded from consideration, as is contended by the applicant, as the same is in English, and there is no endorsement made that the contents of the said statement were read over and explained to the deceased, even there is other contemporaneous record to indicate complicity of the applicant in the

commission of the offence. The evidence of the neighbours who were present in the house when the applicant entered his house as recorded, indicates the events as to how the incident in question took place. Besides, the court below has rightly adverted to the C.A. report, which discloses that kerosene residue was found on partly burnt cloth pieces. To my mind, the court below has rightly discarded the argument canvassed on behalf of the applicant; as at that stage, it was not possible to place reliance on the material that was not part of the record. Taking overall view of the matter, as there is overwhelming material on record to indicate the complicity of the applicant, not a case for bail in view of the seriousness of the offence. The fact that there are two minor children to be looked after by the applicant cannot be the sole basis to enlarge the applicant on bail. Hence, rejected.

. The learned Principal Judge of the Sessions Court, Gr. Mumbai is directed to assign the case to the fast track court, if already not done, to ensure early disposal of the trial, preferably to be concluded within six months from the receipt of the writ of this application.

. Ordered accordingly.

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